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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 PHILIP M. DREYFUSS, IV,

9 Petitioner, 3:14-cv-00648-RCJ-WGC

10 vs.

11 **ORDER**

12 NEVADA ATTORNEY GENERAL, *et al.*,

13 Respondents.

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16 In this habeas corpus action, on June 1, 2015, the court ordered that it had examined the
17 habeas corpus petition of the petitioner, Philip M. Dreyfuss, IV, pursuant to Rule 4 of the Rules
18 Governing Section 2254 Cases in the United States District Courts, and found it to be defective, in
19 that Dreyfuss did not state any comprehensible grounds for habeas corpus relief to which the
20 respondents could reasonably be expected to respond. *See* Order entered June 1, 2015 (ECF No. 4).
21 The court granted Dreyfuss time to file an amended petition. *See id.*; *see also* Order entered June 16,
22 2015 (ECF No. 8) (extending due date for amended petition to August 21, 2015).

23 On August 18, 2015, Dreyfuss filed an amended habeas petition (ECF No. 11). The court has
24 examined the amended petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the
25 United States District Courts. The amended petition, like the original petition, fails to state any
26 comprehensible grounds for habeas corpus relief to which the respondents could reasonably be
expected to respond.

1 Furthermore, it is apparent, from the face of the amended petition, that Dreyfuss fails to set
2 forth any claim that has been exhausted in state court. The amended petition states that the one
3 claim Dreyfuss presents was not raised on his direct appeal. *See* First Amended Petition (ECF No.
4 11), pp. 4, 8. The amended petition states, further, that the claim has not been raised on the appeal in
5 Dreyfuss' state habeas action. *See id.* Moreover, the amended petition states that the appeal in
6 Dreyfuss' state habeas action remains pending. *See id.* at 2. Therefore, it is plain that Dreyfuss
7 pleads no exhausted claims in his first amended petition.

8 This action will, therefore, be dismissed without prejudice for failure to state any claim for
9 federal habeas corpus relief that is exhausted in state court, and to which the respondents could
10 reasonably be expected to respond.

11 **IT IS THEREFORE ORDERED** that this action is **DISMISSED** without prejudice.

12 **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel
13 (ECF No. 9) and motion to extend prison copywork limit (ECF No. 10) are denied as moot.

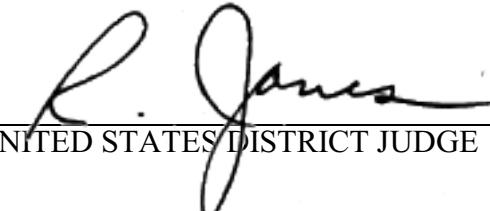
14 **IT IS FURTHER ORDERED** that petitioner is denied a certificate of appealability.

15 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.

16 **IT IS FURTHER ORDERED** that the Clerk of the Court shall add Adam Paul Laxalt,
17 Attorney General of the State of Nevada, to the CM/ECF docket, as counsel for respondents. The
18 Clerk of Court shall serve respondents with a copy of the habeas corpus petition (ECF No. 5), a copy
19 of the June 1, 2015 order (ECF No. 4), a copy of the amended habeas corpus petition (ECF No. 11),
20 and a copy of this order. Respondents need take no action with respect to this case.

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22 Dated this 24th day of September, 2015.

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UNITED STATES DISTRICT JUDGE